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*Attorneys for Defendant*

**FILED**  
DISTRICT COURT OF GUAM  
**OCT 29 2002**

MARY L. M. MORAN  
CLERK OF COURT

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UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

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KAIOH SUISAN CO., LTD.

Plaintiff,

vs.

GUAM YTK CORPORATION,

Defendant.

) CIVIL CASE NO. 02-00021

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**SCHEDULING ORDER**

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Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rule 16.1 for the District Court of Guam, the parties hereby submit the following Scheduling Order:

1. The nature of the case is as follows: This is an action by Plaintiff to recover One Hundred Million Japanese Yen (¥100,000,000) advanced by Plaintiff to Defendant. Plaintiff alleges that the amount was not repaid and Plaintiff seeks damages and interests. Defendant has denied the substantive allegations of the Complaint and affirmatively pled numerous defenses to this action.
2. The posture of the case is as follows: (a) The following motions are on file: None; (b) The following motions have been resolved: None; (c) The following discovery has been initiated:


**ORIGINAL**

Defendant has served the initial Disclosures required by F.R.C.P. Rule 26(a)(1)(A) and (B).

3. All motions to add parties and claims shall be filed on or before: January 15, 2003.
4. All motions to amend pleadings shall be filed on or before: January 31, 2003.
5. Status of discovery: (a) The times for disclosures under Rules 26(a) and 26(e) of the Federal Rules of Civil Procedure is modified as follows: None; (b) The following is a description and schedule of all pre-trial discovery each party intends to initiate prior to the close of discovery:

**PLAINTIFF:** Plaintiff has requested and Defendant has agreed to provide documents disclosing defenses advanced by Defendant; documents setting forth or referencing communications between Defendant and anyone concerning the claims and defenses of the above amount; and documents setting forth or referencing communications between Defendant and anyone else related to the Defendant's defenses. In addition, Plaintiff plans to discover, by production requests or interrogatories, the identity of persons with relevant information concerning: disbursement or expenditure of the referenced amount; assets and property, real or personal, acquired with the referenced amount; and persons with relevant knowledge concerning Defendant's affirmative defenses that expenditures of the above referenced amount were on behalf of and authorized by Guam Kai-Oh Co., Ltd., and Plaintiff. Plaintiff will depose the individual Defendant and representative(s) of the corporate Defendant concerning all of the above. With allowances for the parties' schedules, Plaintiff anticipates that all discovery will be completed by February 14, 2003.

**DEFENDANT:** Plaintiff and Defendant have agreed to provide certain communications between the parties and disbursement and expenditure records. Defendant expects to provide all those records that have been requested within a reasonable time received. It is expected that Plaintiff will conduct discovery and seek to understand the relationship between the parties as referenced regarding issues set forth in the complaint. Defendant expects to serve interrogatories, request for production of documents and to conduct depositions. Defendant anticipates that all discovery will be completed by February 14, 2003.

~~6. The parties shall appear before the District Court on October 30, 2002, at 3:00 p.m. for the Scheduling Conference.~~ 

7. The discovery cut-off date (defined as the last date to file responses to discovery) is: February 14, 2003.

8. (a) The anticipated motions are: None. (b) The anticipated dispositive motions are: None.

9. The prospects for settlement are: Unknown.

10. The Preliminary Pretrial Conference shall be held on March 14, 2003, at 3:00 p.m.

11. The parties pre-trial materials, discovery material, witness list, designations and exhibit lists shall be filed on or before March 21, 2003.

12. The Proposed Pre-Trial Order shall be filed on or before March 21, 2003.

13. The final Pre-trial Conference shall be held on or before March 27, 2003 at 3:00 p.m.

14. The Trial shall be held on April 4, 2003, at 9:30 a.m.

15. The Trial is not a jury trial.

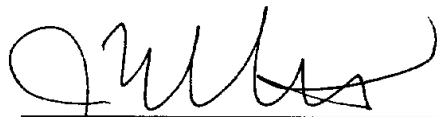
16. It is anticipated that it will take two (2) days to try this case.
17. The names of the Counsels on this case are:

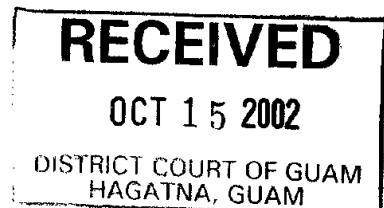
**Plaintiff:** Terence E. Timblin, Esq.  
**McKEOWN • VERNIER • PRICE • MAHER**  
115 Hesler Place, Ground Floor  
Governor Flores Building  
Hagåtña, Guam 96910  
Telephone: (671) 477-7059  
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**Defendant:** Phillip Torres, Esq.  
**Teker Civile Torres & Tang, PLLC**  
Suite 200, 330 Hernan Cortez Avenue  
Hagåtña, Guam 96910  
Telephone: (671) 477-9891  
Facsimile: (671) 472-2601

18. The parties do wish to submit this case to a settlement conference.
19. The parties present the following suggestion for shortening trial: None at this time.
20. The following issues will also affect the status or management of the case: Plaintiff or Defendant may need to join additional parties in the lawsuit, including individual Directors or shareholders and of the Plaintiff's or Defendant's corporation depending upon discovery of involvement and actions taken by the individuals.

Dated: **OCT 29 2002**

  
**HONORABLE JOHN S. UNPINGCO**  
Chief Judge, District Court of Guam



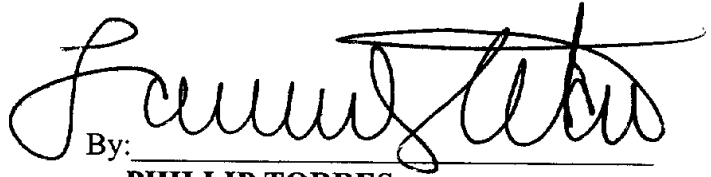
APPROVED AS TO FORM AND CONTENT:

TEKER CIVILLE TORRES & TANG, PLLC

DATED:

10/15/02

By:



PHILLIP TORRES

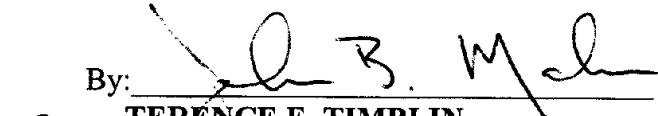
*Attorneys for Defendant*

McKEOWN • VERNIER • PRICE • MAHER

DATED:

10/15/02

By:



TERENCE E. TIMBLIN

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I, **PHILLIP TORRES**, hereby certify that on the 15<sup>th</sup> day of October, 2002, I caused a copy of the annexed **[PROPOSED] SCHEDULING ORDER** to be served upon Plaintiff, by delivering and leaving a copy of same to their attorney of record, as follows:

**Terence E. Timblin  
McKEOWN • VERNIER • PRICE • MAHER  
115 Hesler Place  
Ground Floor, Governor Joseph Flores Building  
Hagåtña, Guam 96910**

Dated this 15<sup>th</sup> day of October, 2002.Q

**TEKER CIVLLE TORRES & TANG, PLLC  
Attorneys for Defendant  
GUAM YTK CORPORATION**

BY:

  
PHILLIP TORRES